

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CR NO. 05-1849 JH
)	
DANA JARVIS,)	
)	
Defendant.)	

UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE

Pursuant to Rule 48, Fed. R. Crim. P., the United States respectfully moves the Court to dismiss Counts 2 through 25 of the Superseding Indictment in this case as to defendant Dana Jarvis (“Jarvis”) without prejudice, and in support of its motion states as follows:

1. On November 21, 2008, Jarvis pled guilty to Counts 1 and 26 of the Superseding Indictment in this case pursuant to a plea agreement with the United States. Under the terms of the plea agreement, the United States agreed to dismiss the remaining counts of the Superseding Indictment as to Jarvis. On March 24, 2009, the Court sentenced Jarvis to 168 months imprisonment.
2. Jarvis, through his counsel, does not oppose this motion.

WHEREFORE, the United States respectfully requests that the Court dismiss Counts 2-25 of the Superseding Indictment in this case as to Jarvis without prejudice.

Respectfully submitted,

GREGORY J. FOURATT
United States Attorney

/s/ James R.W. Braun

JAMES R. W. BRAUN
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, N. M. 87103
(505) 346-7274

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of April, 2009, I filed the foregoing pleading electronically through the CM/ECF system, which is designed to cause counsel of record for the defendant to be served by electronic means.

/s/ James R.W. Braun

JAMES R.W. BRAUN
Assistant U.S. Attorney